

Remarks

This Reply is in response to the Final Office Action mailed on July 10, 2008 in which claims 38, 41-43 and 45-54 were rejected. With his response, claims 40 and 44 are canceled; and claims 38, 41-43 and 47 are amended. Claims 38-39, 41-43 and 45-54 are presented for reconsideration and allowance.

I. Examiner Interview Summary

On September 4, 2008, a telephonic interview was held between Examiner Tyler and Applicant's attorney, Todd A. Rathe. The rejection of claim 38 was discussed. The Examiner agreed to enter the above amendments to claim 38 correcting the inadvertent omission of intervening claim 39. Applicants wish to thank examiner Tyler for the opportunity to discuss the rejection.

II. Rejection of claims 38, 41, 42 and 45-54 under 35 USC 103(a) based upon Andersen, Lodwick and Shimada

Section 4 of the Office Action rejected claims 38, 41, 42 and 45-54 under 35 USC 103(a) as being unpatentable over Andersen et al. US Patent Publication 20020165685 in view of Lodwick US Patent 6226419 and further in view of Shimada US Patent 6310637. Claims 38, 41, 42 and 45-54, as amended, overcome the rejection.

A. Claim 38

Claim 38 is amended to incorporate the limitations of former dependent claim 39, an intervening claim with respect to former depending claim 40 and 44, the limitations of which were previously incorporated into claim 38. Although somewhat redundant in scope, the amendments to claim 38 provide proper antecedent basis for the previously added limitations.

Claim 38, as amended, recites inserting a medium into a printer with a first orientation, printing a first calibration theater at a first lateral location on the medium, reinserting the medium into the printer with a second orientation rotated 180 degrees from the first orientation and printing a second calibration feature at a second lateral location on the medium. Claim 40 further specifies that the first and second calibration features are printed on a same face of the medium.

Neither Andersen, Lodwick nor Shimada, alone or in combination, discloses or suggests a printing a first calibration feature at a first lateral location on a face of a medium, reinserting the medium with a second orientation rotated 180 degrees from the first orientation and printing a second calibration feature at a second lateral location on the same face of the medium.

As Acknowledged by the Office Action, Andersen and Lodwick fail to disclose reinserting a medium into a printer with a second orientation rotated 180 degrees from the first orientation in which the medium was inserted into the printer. The Office Action further acknowledges that neither Andersen nor Lodwick discloses printing first and second calibration features on a same face of a medium. As a result, the Office Action attempts to additionally rely upon Shimada by arguing that:

Shimada teaches that is known in the art to print more than one calibration mark on the same face of a medium (See Fig. 20, showing a plurality of single-way and dual-way test patterns).

...

Because there are a limited number of possible orientations for inserting a page into a printer, and because it is a known in the art and multiple calibration marks on the same face of the medium has taught by Shimada, it would have been obvious at the time the event was made to one of ordinary skill in the art to try reinserting the medium into the enter with a second orientation rotated 180° from the first or indication; and printing a second calibration feature at a second letter location on the medium, were the first and second calibration features are printed on a same face of the medium, as taught by Lodwick and Shimada.

(Office Action dated July 10, 2008, pages 4-5) (Emphasis added).

However, this rejection is improper for several reasons: (1) Shimada is not even analogous art and (2) even if it were analogous art, one of ordinary skill the art would still not modify what is taught in the background section of Lodwick based upon Shimada.

First, Shimada is NOT even analogous art. In its background section, Lodwick describes one approach to addressing the problem of miscalibration of a printed image on a page due to a paper feed mechanism. Once again, this approach is to print on opposite sides

of a sheet and then hold the sheet up to a light to see if the set of lines line up correctly. (See Lodwick, column 2, lines 1-25).

Shimada has absolutely NOTHING to do with addressing misalignments brought about by a paper feed mechanism. In complete and utter contrast, Shimada pertains to a method of printing a test pattern on a sheet to address deviations ink drop print timing as ink drops are deposited by an inkjet printer head as it is scanned across a page. Why would one of ordinary skill in the art looking to address paper feed mechanism misalignments look to a reference worried about the time at which inkjet nozzles are fired? Shimada simply not analogous art.

Second, even assuming, arguendo, that Shimada were analogous art and that one of ordinary skill in the art would consider Shimada, one would still not modify Lodwick as alleged by the Examiner. The only reason disclosed by Lodwick for rotating the medium 180 degrees was to enable printing on opposite faces of the medium. If the multiple sets of lines were printed on a single face of the medium, the function of Lodwick could just as well be performed without any rotation of the medium. This is due to the fact that the background section of Lodwick appears to disclose a method wherein alignment is performed by printing multiple sets or pairs of lines at different offset values to identify a correct offset value.

Moreover, the method disclosed by Shimada says nothing about overturning a sheet or even rotating a sheet of 180 degrees. If you follow the method of Shimada, you do not rotate the sheet 180 degrees. You do not even reinsert the sheet. The Examiner's attempt to mishmash the teachings of Lodwick and Shimada is nothing more than the mixing of apples and oranges.

The Examiner's rejection seems to be based on the assertion that because the particular method or species of addressing paper feed misalignments disclosed by Lodwick and Applicants' completely different method or species of addressing paper feed misalignments could hypothetically be encompassed by a single genus claim, they are obvious variants of one another. However, this is simply not the law. Although the end result of the methods disclosed by Lodwick and Applicants may be the same (a calibrated paper feed mechanism), the methods are quite distinct. Applicants have discovered a way for achieving

the end result that does not require a paper to be held up to light and does not require a paper to be completely flipped over. Accordingly, the rejection of claim 38 should be withdrawn.

B. Claim 47

Claim 47 recites an apparatus which includes a scan head, a locator communicating with a scan head and configured to determine positions of a first calibration feature and a second calibration feature on a face of a medium and an adjuster configured to accept to determine position from a locator to determine a calibration characteristic for the skinhead based in part on the determine positions.

Neither Andersen, Lodwick nor Shimada, alone or in combination, discloses an apparatus including a locator that determines positions of to calibration features on a single face of a medium and adjuster that determines a calibration characteristic for a scan head. Acknowledgment of the fact that Andersen fails to disclose such limitations, the Office Action attempts to additionally rely upon Lodwick and Shimada.

However, Lodwick does not satisfy these deficiencies. Lodwick has nothing to do with determining a calibration characteristic for a scan head. Likewise, Shimada also has nothing to do with determining a calibration characteristic for a scan head . Accordingly, the rejection of claim 47 based upon Andersen, Lodwick and Shimada should be withdrawn. Claim 48 depends from claim 47 and overcomes the rejection for at least the same reasons.

III. Rejection of Claims 43 under 35 USC 103(a) Based upon Andersen , Lodwick, Shimada and Nakajima

Section 5 of the Office Action rejected claims 43 under 35 USC 103(a) as being unpatentable over Andersen US Patent Publication 20020165685 in view of Lodwick et al. US Patent 6226419, in view of Shimada US Patent 6310637 and further in view of Nakajima US Patent 7006246.

Claim 43 depends from claim 38 and further recites a step of printing a directional indicator prior to the reinserting step showing a second orientation for the reinsertion of the medium.

Neither Andersen, Lodwick, Shimada nor Nakajima, alone or in combination, disclose or suggest printing a directional indicator showing a second orientation for the reinsertion of the medium. The Office Action now acknowledges that neither Andersen, Lodwick nor Shimada disclosed the recited directional indicator showing an orientation for REINSERTION of the media after it has been rotated 180°. As a result, the Office Action attempts to additionally rely upon Nakajima.

However, this reliance is misplaced. Although Nakajima may illustrate a directional indicator 63, directional indicator 63 does not illustrate an orientation for (1) REINSERTION of the media for (2) subsequent printing (3) after it has been rotated 180°. In contrast, directional indicator 63 of Nakajima merely indicates how the printer chart is to be placed on the scanner bed or table. In other words, directional indicator 63 of Nakajima does not indicate the direction which a sheet is to be (1) inserted (2) into a printer (3) after it has been rotated 180°.

Moreover, adding a directional indicator to the printed sheet of Shimada would make little sense since the inkjet nozzle calibration process of Shimada does not require any reinsertion of the sheet or even any rotation of a sheet 180°. Adding a directional indicator to the printed sheets of Lodwick also would not make any sense since the paper feed mechanism alignment process of Lodwick (discussed in the background section) requires a sheet be completely flipped to print on both sides of the sheet. Correctional indicator 63 of Nakajima does not indicate that a sheet should be completely flipped her over turned. Accordingly, rejection of claim 43 should be withdrawn.

IV. Conclusion

After amending the claims as set forth above, claims 38-39, 41-43 and 45-54 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date Sept. 10, 2008

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